

AMENDED IN ASSEMBLY JUNE 27, 2019

**SENATE BILL**

**No. 767**

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**Introduced by Senator Glazer**

(Principal coauthor: Assembly Member Bauer-Kahan)

**(Coauthors: Senators Hill, Wieckowski, Wiener, and Galgiani)**

(Coauthors: Assembly Members Berman, Chu, Levine, Quirk, Bonta,  
Grayson, and Wicks)

February 22, 2019

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An act to add Section 5090.42 to the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as amended, Glazer. Off-highway vehicular recreation: Carnegie State Vehicular Recreation Area: Alameda-Tesla Expansion Area.

The Off-Highway Motor Vehicle Recreation Act of 2003 creates the Division of Off-Highway Motor Vehicle Recreation within the Department of Parks and Recreation. The act gives the division certain duties and responsibilities, including the planning, acquisition, development, conservation, and restoration of lands in state vehicular recreation areas. Existing law creates the Off-Highway Vehicle Trust Fund to be the repository of certain moneys, including certain fees received by the department for the use of state vehicular recreation areas. Existing law requires the revenues in the fund to be available, upon appropriation, for grants and cooperative agreements, as specified, the support of the division, and the planning, acquisition, development, mitigation, construction, maintenance, administration, operation, restoration, and conservation of lands in state vehicular recreation areas and certain other areas.

This bill would authorize the department to dispose of the portion of the Carnegie State Vehicular Recreation Area known as the “Alameda-Tesla Expansion Area” to permanently preserve that land for conservation purposes, as specified, if the department determines that disposing of the land is in the public interest. The bill would require that the land only be sold to a local agency or nonprofit organization for use as a park or other open-space purpose, as specified. The bill would require any revenue from the disposition of the land *to, upon appropriation by the Legislature, first be used to reimburse the Department of General Services for any cost or expense incurred in the disposition of the land, and then would require any remaining revenue* to be deposited in the Off-Highway Vehicle Trust Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5090.42 is added to the Public Resources  
2 Code, to read:  
3 5090.42. (a) Notwithstanding Sections 11011 and 11011.1 of  
4 the Government Code, the department may dispose of the portion  
5 of the Carnegie State Vehicular Recreation Area known as the  
6 “Alameda-Tesla Expansion Area,” which encompasses  
7 approximately 3,100 acres in the County of Alameda, to  
8 permanently preserve that land for conservation purposes by sale  
9 of a perpetual recorded conservation easement deed restriction or  
10 fee title if the department, after holding a public hearing on the  
11 matter and in consultation with stakeholders, determines that  
12 disposing of the land is in the public interest.  
13 (b) (1) If the department determines that disposing of the land  
14 is in the public interest, the Department of General Services may  
15 sell the land or otherwise dispose of the land pursuant to this  
16 authorization upon any terms and conditions and subject to any  
17 reservations and exceptions that the Department of General  
18 Services deems to be in the best interests of the state.  
19 (2) The Department of General Services shall sell the land only  
20 to a local agency or nonprofit organization for use as a park or  
21 other open-space purpose. The land shall be sold for no less than  
22 the original purchase price based on the actual parcels to be  
23 included in the sale.

1 (3) For purposes of this subdivision, “park or other open-space  
2 purpose” means a use of the land’s natural resources that is  
3 consistent with a conservation purpose, including preservation of  
4 native biological diversity, wildlife habitats, and cultural resources,  
5 the enjoyment of scenic beauty, and nonmotorized public  
6 recreation.

7 (c) Any revenue from the disposition of the land *shall, upon*  
8 *appropriation by the Legislature, first be used to reimburse the*  
9 *Department of General Services for any cost or expense incurred*  
10 *in the disposition of the land, and then any remaining revenue*  
11 *shall be deposited in the fund.*

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